

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joaquin Irwin Foy,

Plaintiff,

Civil No. 16-0097 (JNE/LIB)
ORDER

v.

Linda Sanders, Warden; and
U.S. Government Mental Health Units,

Defendants.

Plaintiff Joaquin Irwin Foy (“Foy”) brought this action against defendants Linda Sanders, Warden, and United States Government Mental Health Units, alleging, among other things, deliberate indifference to his medical needs in violation of his constitutional rights under the Eighth Amendment. Dkt. No. 1 (citing *Hill v. Dekalb Reg’l Youth Detention Ctr.*, 40 F.3d 1176, 1187 (11th Cir. 1994)). In a Report and Recommendation by the Honorable Leo I. Brisbois, United States Magistrate Judge, dated February 19, 2016 [Dkt. No. 3], in conjunction with his analysis of Foy’s Application to Proceed in District Court without Prepaying Fees or Costs [Dkt. No. 2], the magistrate judge recommended that the action be dismissed without prejudice for failure to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

On March 3, 2016, Foy submitted ten pages of material as a “Reply to Report and Recommendation by Judge Leo (Mag.),” which this Court construes as an objection. Dkt. No. 4. The Court has conducted a de novo review of the record consistent with the District of Minnesota Local Rule 72.2(b). Based on that review, the Court adopts the conclusions and accepts the recommendations of the Report and Recommendation.

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Based on the files, records, and proceedings herein, and for the reasons discussed above,
IT IS ORDERED THAT:

1. This action is DISMISSED WITHOUT PREJUDICE.
2. Plaintiff Joaquin Irwin Foy's application to proceed *in forma pauperis* [Dkt. No. 2] is DENIED.

Dated: April 8, 2016

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge